

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MANUEL J. TORRES,

No. C 07-01204 CW (PR)

Plaintiff,

ORDER OF DISMISSAL WITHOUT
PREJUDICE

v.

CITY OF SAN JOSE, et al.,

Defendants.

Plaintiff, a state prisoner, filed the present pro se prisoner complaint under 42 U.S.C. § 1983. On November 28, 2007, mail directed to Plaintiff by the Court was returned to the Clerk of the Court with a notation that it was undeliverable. To date, Plaintiff has not updated his address with the Court or submitted any further pleadings in this case.

Pursuant to Northern District Local Rule 3-11 a party proceeding pro se whose address changes while an action is pending must promptly file a notice of change of address specifying the new address. See L.R. 3-11(a). The court may, without prejudice, dismiss a complaint when: (1) mail directed to the pro se party by the court has been returned to the court as not deliverable, and (2) the court fails to receive within sixty days of this return a

1 written communication from the pro se party indicating a current
2 address. See L.R. 3-11(b).

3 More than sixty days have passed since the mail directed to
4 Plaintiff by the Court was returned as undeliverable. The Court
5 has not received a notice from Plaintiff of a new address.
6 Accordingly, the complaint is DISMISSED without prejudice pursuant
7 to Rule 3-11 of the Northern District Local Rules. The Clerk of
8 the Court shall enter judgment in accordance with this Order,
9 terminate all pending motions, and close the file.

10 IT IS SO ORDERED.

11 Dated: 2/7/08



CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 MANUEL J TORRES,

5 Plaintiff,

6 v.

7 CITY OF SAN JOSE et al,

8 Defendant.

Case Number: CV07-01204 CW

CERTIFICATE OF SERVICE

9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
10 Court, Northern District of California.

11 That on February 7, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
13 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located
14 in the Clerk's office.

15 Manuel Torres CNC-226
16 885 North San Pedro Street
17 San Jose, CA 95110

Dated: February 7, 2008

Richard W. Wieking, Clerk
By: Sheilah Cahill, Deputy Clerk